

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-5, 9-12 and 15-29 are currently pending in this application, with Claims 5, 10, 11 and 15 having been withdrawn from consideration. By the foregoing amendment, Claim 12 has been canceled without prejudice or disclaimer, and Claims 20 and 27 have been revised. Accordingly, Claims 1-4, 9 and 16-29 are now present for consideration and allowance in this application.

In the February 25, 2009 Office Action the following objections and rejections, which are respectfully traversed for reasons subsequently set forth herein, were made.

1. Claims 20 and 27 were objected to due to an extraneous period in Claim 20, the dependency of Claim 27, and an extraneous “c” in Claim 27, and;
2. Claims 1-4, 9 and 21-26 stand finally rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,254,092 to Polyak in view of U.S. Patent 4,854,482 to Bergner;
3. Claims 16, 19 and 20 stand finally rejected under 35 USC §103(a) as being unpatentable over Polyak in view of Bergner, further in view of U.S. Patent 5,015,233 to McGough et al;
4. Claims 17 and 18 stand finally rejected under 35 USC §103(a) as being unpatentable over Polyak in view of Bergner, further in view of U.S. Patent 4,250,887 to Dardik et al;
5. Claim 27 stands finally rejected under 35 USC §103(a) as being unpatentable over Polyak in view of Bergner, further in view of U.S. Patent 4,776,618 to Barree; and
6. Claims 28 and 29 stand finally rejected under 35 USC §103(a) as being unpatentable over Polyak in view of Bergner, further in view of U.S. Patent 4,823,588 to Bussereau et al.

1. The Objections to Claims 20 and 27:

In the foregoing amendment the Examiner's objections to Claims 20 and 27 have been overcome by (1) deleting the extraneous period in Claim 20, (2) changing the dependency of Claim 27 from "27" to --25--, and (3) deleting the extraneous "c" in Claim 27.

2. The Obviousness Rejection of Claims 1-4, 9 and 21-26:

Via independent Claim 1, each of applicants' finally rejected Claims 1-4 and 9 specifies that applicants' recited pumping system hydraulic mechanism includes a **manually operable actuator** at a position distal to the trigger on the end of the housing **allowing manual pressure release by one hand of a user while holding the housing in the same one hand.** Representatively, but not by way of limitation, this claimed manually operable actuator is the pressure release valve actuator 104 shown in FIG. 1 of applicants' drawings. As can be seen, this manual pressure release valve actuator may be selectively operated by the thumb of an operator hand that is holding the pump handle 101.

This claimed element is neither disclosed nor in any manner suggested in Polyak. Specifically, in the Polyak FIGS. 10-13 referred to by the Examiner the pressure relief mechanism (comprising elements 26-31) is not distal to the trigger 21, and is not manually operable by a user's hand that is holding the handle 20. Instead, the Polyak pressure relief mechanism is positioned forwardly of the trigger 21, and is not manually operable - it is automatically operable when it is exposed to a predetermined fluid pressure.

This deficiency in Polyak is in no manner cured by the Bergner reference which has been cited by the Examiner for its utilization of air vent 10. As in the case of Polyak, the Bergner vent structure is located forwardly of the (un-numbered) trigger, and cannot be manually operated by a user's hand which is holding the handle 1a.

For at least these reasons it is respectfully submitted that none of applicants' Claims 1-4 and 9 is rendered obvious by the Polyak/Bergner reference combination proposed by the Examiner.

Claims 1-4 and 9 are seen to be even further distinguishable over the proposed Polyak/Bergner reference combination due to the recitation in independent Claim 1 that the claimed pumping system comprises **a container of a viscous material connected to said conduit to receive pressurized fluid from said conduit to selectively force said viscous material from said container.** Representatively, but not by way of limitation, the claimed container, in which viscous material is disposed, is the syringe 301 shown in applicants' FIG. 1, the conduit is the conduit 200, and the pressurized fluid is the fluid which is delivered to the container 301 via the conduit 200 to eject viscous material from the container 200.

Neither Polyak nor Bergner discloses nor in any manner suggests a **container of viscous material** connected to its pumping apparatus as set forth in the present applicants' Claims 1-4 and 9. For at least this additional reason it is respectfully submitted that none of applicants' Claims 1-4 and 9 is rendered obvious by the Polyak/Bergner reference combination proposed by the Examiner.

Via independent Claim 21, each of applicants' Claims 21-26 specifies **a container of a viscous material connected to said conduit to receive pressurized fluid from said conduit to selectively force said viscous material from said container.** As discussed above in conjunction with Claim 1, neither Polyak nor Bergner discloses nor in any manner suggests this claim limitations. It is thus respectfully submitted that none of applicants' Claims 21-26 is rendered obvious by the Polyak/Bergner reference combination proposed by the Examiner.

3. The Obviousness Rejection of Claims 16, 19 and 20:

Claim 16 depends from Claim 1 which, as discussed above, is patentably distinguishable over the proposed Polyak/Bergner reference combination due to the noted deficiencies in Polyak and Bergner. These deficiencies are in no manner cured by the McGough et al reference which has been cited by the Examiner for its alleged teachings with respect to the use of a pressure pump having a working pressure range of up to 5000 psi. It is thus respectfully submitted that Claim 16 is patentably distinguishable over the Polyak/Bergner/McGough et al reference combination proposed by the Examiner.

Via independent Claim 19, each of applicants' Claims 19 and 20 is directed to an improved system for operating a hydraulic pressure pump for medical usage. The claimed

system comprises a tube extending between a lever operated hydraulic pump, having a fluid reservoir, and a remote connector which seals to a syringe body having a material contained therein. It is further specified in these claims that the pump expels fluid from the fluid reservoir, through the connecting tube into the top of the syringe and where fluid presses on a syringe plunger, thereby expelling the material contained in a primary chamber of the syringe therefrom, and a low viscosity secondary incompressible fluid is used in the connecting tube.

None of the Polyak, Bergner and McGough et al references discloses or in any manner suggests either the use of a connecting tube extending between a lever operated hydraulic pump and a syringe, or the use in the connecting tube of a secondary low viscosity incompressible fluid for expelling material from the syringe. It is thus respectfully submitted that neither of applicants' Claims 19 and 20 is rendered obvious by the Polyak/Bergner/McGough et al reference combination proposed by the Examiner.

4. The Obviousness Rejection of Claims 17 and 18:

Claims 17 and 18 depend from Claim 1 which, as discussed above, is patentably distinguishable over the proposed Polyak/Bergner reference combination due to the noted deficiencies in Polyak and Bergner. These deficiencies are in no manner cured by the Dardik et al reference which has been cited by the Examiner for its use of a length of tubing interconnected between first and second syringes. Because of this, and the dependency of Claims 17 and 18 from allowable Claim 1, it is respectfully submitted that Claims 17 and 18 are patentably distinguishable over the proposed Polyak/Bergner/Dardik et al reference combination.

5. The Obviousness Rejection of Claim 27:

Claim 27 depends from Claim 21 which, as discussed above is patentably distinguishable over the proposed Polyak/Bergner reference combination due to the noted deficiencies therein. These deficiencies are in no manner cured by the Barree reference which has been cited for its teachings with respect to a sealing structure in a high pressure coupling. It is thus respectfully submitted that Claim 27 is patentably distinguishable over the proposed Polyak/Bergner/Barree reference combination.

6. The Obviousness Rejection of Claims 28 and 29:

Claims 28 and 29 depend from Claim 21 which, as discussed above is patentably distinguishable over the proposed Polyak/Bergner reference combination due to the noted deficiencies therein. These deficiencies are in no manner cured by the Bussereau et al reference which has been cited for its teachings with respect to a pressure release and return valve. It is thus respectfully submitted that Claims 28 and 29 are patentably distinguishable over the proposed Polyak/Bergner/Bussereau et al reference combination

7. The Withdrawn Dependent Claims 5, 10, 11 and 15:

Withdrawn dependent Claims 5, 10, 11 and 15 depend from Claim 1 which, as discussed above, is seen to be allowable over the art of record. Accordingly, applicants respectfully request rejoinder and allowance of these withdrawn independent claims.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-5, 9-11 and 15-29 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/739-8612 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,




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Dated: **MARCH 31, 2009**

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Client Matter No. P0033870.00 | 41914.710
R-225117

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I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on **March 31, 2009**.


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